

TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401



Project Name: EASTRIDGE BUSSINESS PARK

Case Number: PSR2004-00036, SEP2004-00105

Location: 6909 NE 117th Avenue (a.k.a. SR 503)

Request: The applicant is requesting a site plan review approval to construct two buildings: Building 27 is a 10,560 square foot structure to be used for retail activities, and Building 28 is a 24,168 square foot structure to be used as offices on approximately 2.8 acres, zoned Light Industrial (ML). The proposal also includes the expansion of a legal Non-Conforming Use, EastRidge Business Park.

Applicant: EastRidge Business Park, LLC
Attn.: T. J. Fontenette, Managing Member
11805 NE 99th Street, Suite 1340
Vancouver, WA 98682
Phone # (360) 253-3404 ; E-mail: tj@east-ridge.com

Contact Person: Planning Solutions, Inc.
Attn.: Dan George
1508 Broadway
Vancouver, WA 98663
(360) 750-9000; E-mail: dang@planningsolutionsinc.com

Property Owner: EastRidge II, LLC
Attn.: T. J. Fontenette, Managing Member
11805 NE 99th Street, Suite 1340
Vancouver, WA 98682

DECISION

Approve subject to Conditions of Approval

Team Leader's Initials: _____ **Date Issued:** November 2, 2004

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Michael Uduk	4385	Michael.Uduk@clark.wa.gov
Engineer (Trans. and Stormwater):	Ken Carlson	4881	Ken.carlson@clark.wa.gov
	Paul Knox	4910	Paul.knox@clark.wa.gov
Engineer (Trans. Concurrency):	Shelley Oylear	4354	Shelley.Oylear@clark.wa.gov
Team Leader:	Krys Ochia	4834	Krys.Ochia@clark.wa.gov
Engineer Supervisor (Trans. and Stormwater):	Richard Drinkwater, P.E.	4492	Richard.Drinkwater@clark.wa.gov
Engineering Supervisor (Trans. Concurrency):	Steve Schulte P. E.	4017	Steve.Schulte@clark.wa.gov

Parcel Number(s):

Tax Lot 34 (154693) in the NW ¼ of Section 2
Township 2 North, Range 2 East of the Willamette
Meridian.

Comp Plan Designation:

Light Industrial (ML)

Applicable Laws:

Clark County Code Chapters 40.570.080 (SEPA), 40.610 (Impact Fees), 40.230.080 (Industrial Districts), 40.530 (Non-Conforming Uses), 40.520.040 (Site Plan Review), 40.320 (Landscaping and Screening), 40.340 (Parking, Loading and Circulation), 40.310 (Signs), 40.570.080 (C) (3) (k) (Archaeology), 40.410 (CARA), 40.350 (Transportation Standards), 40.350.020 (Concurrency), 40.380 (Stormwater and Erosion Control), 40.350.020 (C) (Water Connection), 40.370.020 (C) (Sewer Connection), 15.12 (Fire Protection), 40.510.030 (Procedure)

Neighborhood Association/Contact:

Sifton NA

Steve Hamilton, President

7616 NE 126th Avenue

Vancouver WA 98682

(360) 514-8289, E-mail: 4hambone@attbi.com

Time Limits:

The application was submitted on June 28, 2004, and determined to be fully complete on July 19, 2004. With the applicant's agreement, the application was placed on hold for 9 days to permit allow the new planner to fully review the file. Therefore, Clark County Code requirement for issuing a decision within 78 days lapses on October 14, 2004. The state requirement for issuing a decision within 120 calendar days, lapses on November 25, 2004.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on February 19, 2004. The pre-application was contingently vested as of January 26, 2004, the date the fully complete pre-application conference application was submitted to the county.

The fully complete application was submitted on June 28, 2004 and determined to be fully complete on July 19, 2004. Given these facts the application was vested as of January 26, 2004, for land use planning and transportation concurrency issues. There are no disputes regarding vesting in this matter.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, Sifton Neighborhood Association and property owners within 300 feet of the site on August 2, 2004. Notice of the likely SEPA Determination was published in "The Columbian" newspaper on August 2, 2004.

Public Comments:

The county did not receive any public comments regarding this application.

Project Overview

The applicant is requesting a Site Plan Review approval to construct 2 buildings: Building 27 is a 10,560 square foot structure that will be used for retail activities, and Building 28 is a 24,168 square foot structure that will be used as offices, on approximately 2.8 acres, zoned Light Industrial (ML). The proposal also includes the expansion of the non-conforming use status of EastRidge Business Park onto this site. EastRidge Business Park was first approved in 1976, through concomitant rezoning agreement running with the land, when rural land in Clark County was designated for agricultural use and zoned FX. Subsequent expansion of the business park and the concomitant rezone agreements occurred in 1978, 1992, and 1997, which culminated in the formal recognition of EastRidge Business Park as a legal non-conforming use in

2003; because the site was comprehensively planned and zoned Light Industrial (ML) under the 1994 growth management Comprehensive Plan and Zoning Ordinance.

The ML district provides for a variety of uses including some commercial uses that are identified in Table 40.230.080-1.¹ Table 1 describes the comprehensive plan designation, zoning, and the current land use on the site and on the abutting properties:

Table 1: Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	Light Industrial (ML)	Light Industrial (ML)	The site is almost flat. There is a single-family dwelling and 7 or more other structures on the property. There are some trees along the property boundary.
North	ML	ML	Developed light industrial property; with commercial uses consistent with EastRidge Business Park concomitant rezone agreement.
East	ML	ML	Developed light industrial property; with commercial uses consistent with EastRidge Business Park concomitant rezone agreement.
South	ML	ML	Developed light industrial property; with commercial uses consistent with EastRidge Business Park concomitant rezone agreement.
West	Community Commercial (CC) / Urban Low (UL)	Community Commercial (C-3) / R1-7.5	NE 117 th Avenue, some commercial activities, a gas station on the northwest and some single-family housing on the southwest sections.

The USDA Soil Conservation Service, Soil Survey of Clark County, Washington, 1972, identifies the soil types on the site as those of Sifton gravelly loam (SvA) on slopes ranging from zero to 5 percent. The county's GIS mapping system does not indicate any wetlands, or a 100-year flood plain on the site.

The property is located within the Vancouver urban growth boundary. It is located in an area served by Evergreen School District, Fire Protection District 5, Park Improvement District 5, and Orchards Traffic Impact Fees District. The City of Vancouver provides public water service and Hazel Dell Sewer District provides sewer service in the area.

¹ The Industrial Districts, (ML) is robust; therefore, to conserve space, staff will not attempt to identify any of the uses here.

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE - Zoning:

Finding 1

This property is zoned Light Industrial (ML), which permits several uses outright, conditionally, or by review and approval (per Table 40.230.080-1). Permitted uses for EastRidge Business Park also include all of the uses listed on the concomitant rezone agreements on the legal nonconforming use decision of February 5, 2003. The development site is approximately 2.8 acres. The proposed development must comply with the development standards in Table 40.230.080-2, (Except those standards that are modified by the Covenants, Conditions and Restrictions (CC&Rs) regulating the development of EastRidge Business Park), as follows:

Table 2: Table 40.230.080-2: Lot setback, Lot coverage and Building Height Requirements

Subject	ML
Minimum area of new zoning district	None
Maximum area of new zoning district	None
Minimum lot area	10,000 square feet
Minimum lot width	100 feet
Minimum lot depth	100 feet
Maximum building height	60 feet for buildings. No height limitation for towers in all industrial zones
Minimum building setback ^{2, 3}	
Front/street side	20 feet
Side (interior)	10 feet
Rear	15 feet
Maximum building coverage	50 percent
Minimum landscaped area/type ³	20 percent

Permitted uses for EastRidge Business Park also include all of the uses listed on the concomitant rezone agreements on the legal nonconforming use decision of February 5, 2003. See condition of approval A-1

Expansion or Alteration of Legal Non-Conforming Uses and Associated Structures, CCC 40.530

Approval Criteria:

CCC 40.530.050 (C) (2) stipulates that legal nonconforming uses and associated structures may undergo expansion or alteration, subject to compliance with all the applicable sections of the code. The expansion shall be required to comply with the applicable sections of CCC 40.520.040 (Site Plan Review), unless the nature of the existing uses necessitate modification to the site plan review standards. Staff could require conditional use permit (CUP) approval (per 40.520.030, Conditional Use Permit) if staff finds that the proposed expansion would create significant adverse impacts to the area.

Finding 2

Staff finds that the proposed expansion will not increase the extent of adverse impacts to the surrounding area and its character, or increase the extent of adverse impacts to future development likely to occur in the surrounding area consistent with the underlying zoning district. The expansion will actually ensure that this property is developed with uses similar to those already existing in EastRidge Business Park. A detracting would

² Additional setbacks and/or landscape requirements may apply, particularly abutting residential uses or zones. See CCC 40.320.010.

³ There is no minimum lot size for utility or tower facilities. All utility or tower facilities shall be setback twenty 20 feet from all property lines, and provide additional landscaping as found in Table 40.320.010-1. See CCC 40.260.250 for requirements for wireless communications facilities.

occur, if these 2.8 acres were developed with uses are incompatible with current uses on the abutting properties.

Finding 3

Staff finds that the proposed expansion or alteration is occurring on the same legal lot of record with an existing use; and, the expansion will ensure that the property develops in a manner that would not detract from the development in the area.

Finding 4:

Staff finds that the proposed expansion or alteration can fully comply with all applicable local, state or federal development standards, where applicable. The proposed expansion would, under normal circumstances, be required to comply with all the development standards in the ML district. However, EastRidge Business Park is an existing nonconforming use that was established through a valid concomitant rezone agreement with the county, with implementing covenant, conditions and restrictions running with the land. Staff finds further that:

- a. EastRidge Business Park is a multi-parcel development site that occupies more than 85 acres. Staff finds that EastRidge Business Park is more than 90 percent developed with full range of public support infrastructures and businesses consistent with its CC&Rs.
- b. Any new development proposed and implemented on this site, Tax Lot 34 (154693, shall be required to comply with the applicable site plan approval standards, or concomitant rezone agreements and covenant running with the land that was established for EastRidge Business Park.
- c. Staff also finds that any development on this site shall be required to comply with the applicable development standards in the ML district or the development standards established by the concomitant rezone agreement, or the site plan approval standards deemed necessary to ensure compliance with the applicable section of the code. [See CCC 40.530.050 (C)] Permitted uses for EastRidge Business Park also include all of the uses listed on the concomitant rezone agreements on the legal nonconforming use decision of February 5, 2003.

Site Plan Review Standards

Approval Criteria:

CCC 40.320.010 provides landscaping and screening standards on private property. Perimeter landscaping usually requires native trees of a suitable nature planted 30 feet to the center together with three or four shrubs planted in between the trees in addition to the provision of appropriate ground cover. Landscaping type and buffer width are determined by the zoning on the abutting property to the development site.

Finding 5

The proposed development must provide the following setbacks and landscaping schemes (per Table 40.320.010-1):

- a. On the north, the required landscaping scheme is an L1 in a 5-foot buffer width.
- b. On the east, the required landscaping scheme is an L1 in a 5-foot buffer width.

- c. On the south, the required landscaping scheme is an L1 in a 5-foot buffer width.
- d. On the west, the required landscaping scheme is an L2 in a 10 foot buffer width.³

Staff finds that the Preliminary Planting Plan (see Exhibit 1, Sheet #PL, Sheet 4 of 5 of the Site Plan Review Submittal Package), is adequate, and could comply with applicable code sections when implemented; therefore no additional condition of approval is required. *(Note: Condition of approval C-1 is advisory, if the proposed landscaping plan is implemented prior to Occupancy Permit issuance.)*

Outdoor Storage Standards:

Finding 6

In addition to the required landscape screening, this development shall comply with the following standards, where applicable (CCC 40.230.080 (D) (5)).

- a. All storage areas (including but not limited to areas used to store raw materials, finished and partially finished products and wastes) shall be screened from adjoining properties or public rights-of-way to the L4 standard.
- b. Screening shall be placed on all sides of storage areas other than where a building wall would act as a screen.
- c. Outdoor storage is prohibited as follows:
 - (1) In floodways;
 - (2) On slopes greater than fifteen percent (15%);
 - (3) In parking stalls required by Section 40.340;
 - (4) In areas where outdoor storage or display causes traffic or pedestrian circulation problems, as determined by the responsible official, or where a minimum five (5) foot-wide walkway does not remain clear and free of obstructions;
 - (5) Any materials that attract animals, birds or vermin; and
 - (6) In fire lanes.
- d. The applicant shall demonstrate that both outdoor storage and the screening for outdoor storage are in the appropriate locations on the site to minimize impacts, given the operational practices of the facility. (No condition of approval is necessary)

Off-Street Parking

Finding 7

The applicant has provided a minimum of 190 off-street parking stalls, which exceeds the required number of off street parking spaces in the industrial district by 122 spaces (or 179.41 percent).

Normally, the code requires 1 space per 500 square feet of floor area for industrial uses. The expansion of nonconforming uses associated with the EastRidge concomitant rezoning agreement provides for commercial uses; therefore, the parking standards shall be based on commercial uses. The most intensive commercial parking ratio is 1 space

³ The applicant may choose to provide a superior landscaping scheme, or the landscaping scheme provided for EastRidge Business Park per its CC&Rs, if determined to be superior.

per 200 square feet of gross floor area. The applicant has provided 190 off-street parking stalls, which exceeds the required number spaces (185 parking spaces) by 5 additional spaces [per Table 40.340.010-4 (G) (1)]. This requirement is satisfied.

Handicapped Parking

Finding 8

The applicant has designated 6 off-street parking stalls as handicapped parking spaces, thereby satisfying the off-street parking need for the physically challenged person [per CCC 40.340.010 (B) (6), WAC 51-30-1103 (Table No. 11-F)].

Solid Waste Disposal

Finding 9

The applicant shall show the location of solid waste disposal facility consistent with CCC 40.360. The site plan reviewed does not clearly mark the solid waste disposable area per the applicable sections of CCC 40.360. (See condition of approval D-1)

Outdoors Lighting

Finding 10

Outdoors lighting shall be shielded downwards to reduce the level of light and glare perceived beyond the property line, especially along the frontage of NE 117th Avenue (SR 503). (See condition of approval C-2)

CRITICAL AREAS:

There are no known critical areas on this site.

TRANSPORTATION CONCURRENCY:

The applicant's traffic study has estimated trip generation for weekday AM peak hour at 39 new trips, and the PM peak hour trip at 35 new trips. The following paragraphs document two transportation issues for the proposed development.

Issue #1: Concurrency

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020B and is required to meet the standards established in CCC 41.350.020G for corridors and intersections of regional significance. The County's TraffixTM model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance.

Site Access

Finding 1:

Level of Service (LOS) standards is not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at the site's accesses onto NE 117th Avenue (SR-503). In coordination with WSDOT, the applicant has agreed to eliminate two existing accesses onto SR 503 and replace them with two right-in and right-out driveways.

Operating LOS on Corridors

Finding 2:

The proposed development was subject to concurrency modeling. The modeling results indicate that the operating levels comply with travel speed and delay standards. The

applicant should reimburse the County for costs incurred in running the concurrency model. (See condition C-3)

WSDOT Facilities

Finding 3:

Although the subject site is located in Clark County, the development generates traffic that affect NE 117th Avenue (SR 503), a facility under the jurisdiction of the Washington State Department of Transportation (WSDOT). Comments regarding safety and capacity on state facilities are submitted separate from this review by WSDOT.

Concurrency Compliance

The proposed development complies with the Concurrency Ordinance CCC 40.350.020.

Issue 2: Safety

Where applicable, a traffic study shall address the following safety issues:

- Traffic signal warrant analysis,
- Turn lane warrant analysis,
- Accident analysis, and
- Any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B) (6) the code states that:

“Nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Traffic Signal Warrants

Finding 4:

Signal warrants are not met at any of the subject intersections analyzed in the applicant's traffic study.

Turn Lane Warrants

Finding 5:

Turn lane warrants are evaluated at un-signalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant's traffic study analyzed the roadways in the local vicinity of the site to determine if turn lane warrants are met. Turn lane warrants were not met at any of the un-signalized intersections analyzed in the applicant's traffic study; therefore, mitigation is not required.

Historical Accident Situation

Finding 6:

The applicant's traffic study analyzed the accident history at the regionally significant intersections; however, all of the historical accident rates at these intersections are

below 1.0 accident per million entering vehicles. Therefore, mitigation by the applicant is not required.

Traffic Controls during Construction

Finding 7:

During site development activities, the public transportation system (roadways, sidewalks, bicycle lanes, etc.) may be temporarily impacted. In order to minimize these impacts and coordinate work occurring in the public right-of-way of 503. The project frontage is under the jurisdiction of WSDOT and subject to state standards. The applicant shall obtain the necessary permits for proposed activities within SR 503 right-of-way from WSDOT prior to construction activities that impact roadway operations. (See condition B-1)

TRANSPORTATION:

Circulation Plan

Finding 1

The evidence submitted with this application shows that there is no feasibility of additional cross circulation roads within and in the vicinity of this development that could reasonably accomplish this purpose.

Roads

Finding 2

NE 117th Avenue/SR503 is classified as a State Route. Washington Department of Transportation requires median improvements within NE 117th Avenue/SR503. (See Condition A-2)

Access

Finding 3

Driveways which will access this project along the frontage of NE 117th/SR503 are under the requirements of the State of Washington Department of Transportation. (See Condition D-2)

Road Modifications Finding 4

There are no road modifications associated with this proposal.

Landscaping Finding 5

Landscaping is required for the frontage of NE 117th Avenue in accordance with WSDOT standards. (See Condition A-3)

Pedestrian/Bicycle Circulation

Finding 6

The applicant is proposing a pedestrian walkway from the sidewalk along the frontage of the project connecting to the sidewalk at Building 27 and another pedestrian connection from Building 27 to Building 28. All sidewalks, pedestrian walkways, driveway aprons, and road intersections shall comply with the Americans with Disabilities Act. (See Condition D-3)

Conclusions

Transportation Plan

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan, subject to conditions A-2 through A-4, and D-2 and D-3, meets the requirements of the county transportation ordinance.

STORMWATER:

Applicability - Finding 1

Stormwater and Erosion Control Ordinance CCC 40.380, adopted July 28, 2000, apply to development activities that results in 2,000 square feet or more of new impervious area within the urban area; and all land disturbing activities, except those exempted in Section 40.380.030(A).

This project will create more than 2000 square feet of new impervious surface, and it is a land disturbing activity not exempted in Section CCC 40.380.030(A). Therefore this development shall comply with the Stormwater and Erosion Control Ordinance CCC 40.380.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Stormwater Proposal

Finding 2

The project proposes to achieve the required stormwater quality control for runoff from the pollution-generating surfaces by a series of catch basins. The parking areas and landscape areas are designed to shed to the proposed catch basins which are connected through the use of storm pipes that are designed to convey the 100-year storm which exceeds the conveyance requirements of Clark County Title 40.380.

The water quality will be achieved by a stormfilter structure with water quality cartridges and a series of drywells and perforated pipes. This stormfilter treatment system will be sized to conform to Section CCC 40.380. The stormwater treatment facility is intended to serve a private facility and will be privately owned and maintained. The treatment facility shall be established within an easement or covenant acceptable to the responsible official recorded in accordance with CCC 40.380.040.H.3.b. (See Condition A-5)

Site Conditions and Stormwater Issues

Finding 3

The majority of the site has slopes of 0% to 5% and contains a house and several outbuildings which will be removed prior to development of the site. The preliminary stormwater report indicates that the developed site will contain 2.01 acres of impervious area consisting paved parking, sidewalks and roof area.

Finding 4

The project proposes to convey runoff from this development to the stormwater filter which will be located in a Tract dedicated to Clark County and publicly maintained. The stormwater filter system will be designed in accordance with CCC 40.380 and then into storm drain drywells and storm infiltration pipes.

Finding 5

The 1972 USDA, SCS soil survey of Clark County shows the site to be underlain by Sifton Gravelly Loam (SvA) soils classified by AASHTO as A-1 soils. Infiltration rates from the adjacent and previous phases of EastRidge Business Parks have been at a rate of 250 inches/hour. This rate has been utilized for design of this preliminary report. The geotechnical study will be performed as part of the final engineering design. (See Condition (A-6))

Erosion Control

Finding 6

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.020. This project is subject to the erosion control ordinance.

Conclusion (Stormwater)

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan, subject to conditions A-5 & A-6 is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Fire Marshal Review

Fire Protection Finding 1

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions, or, if additional information is required, contact Tom in the Fire Marshal's office immediately.

Building Construction

Fire Protection Finding 2

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see Condition of Approval B-2).

Fire Flow

Fire Protection Finding 3

Fire flow in the amount of 2,750 gallons per minute supplied for 2 hours duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is not available at the site. Additions to water mains supplying fire flow

and fire hydrants shall be installed, approved and operational prior to final site plan approval (see Condition of Approval A-7).

Fire Hydrants

Fire Protection Finding 4

Fire hydrants are required for this application. The indicated number and spacing of the fire hydrants are inadequate. The applicant shall provide one additional fire hydrant to serve this development.

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Vancouver Fire Department at 360-696-8166 to arrange for location approval. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant (see Conditions of Approval C-3).

Fire Apparatus Access

Fire Protection Finding 5

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (see Condition of Approval A-8).

Sprinkler System

Fire Protection Finding 6

An automatic fire sprinkler is required at the time of construction for buildings subject to this application and in excess of 12,000 sq. ft. Such systems require separate reviews, permits and approvals issued by the fire marshal's office. Buildings provided with automatic fire sprinkler systems shall be provided with a minimum of two fire hydrants. One fire hydrant shall be within 100 feet of approved fire department connections to the sprinkler systems. (See Condition of approval C-4)

Fire Alarm System

Fire Protection Finding 7

An approved fire alarm system is required at the time of construction for buildings subject to this application. Such systems require separate reviews, permits and approvals issued by the fire marshal's office. (See Condition of approval B-2)

Other Requirements

Fire Protection Finding 8

Fire department connections (FDC) shall be located remote from the building a distance equal to the height of the building at the FDC. (See Condition of approval B-3)

WATER & SEWER SERVICE:

Finding 1

The City of Vancouver provides public water and sewer service in the area.

Finding 2

Submittal of a “Health Department Evaluation Letter” is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable “Health Department Final Approval Letter” must be submitted, the Evaluation Letter will specify the timing of when the Final Approval letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See condition of approval E-5)

IMPACT FEES:

Finding 1

The site is located in Orchards Traffic Impact Fee (TIF) district. While a commercial development is exempt from park and school impact fees exactions, the proposed industrial developments shall be assessed traffic impact fees for Orchards Traffic Impact Fees District.

The following note shall be placed on the final plat stating that:

"In accordance with CCC 40.610, Orchards Traffic impact fees for the industrial buildings shall be assessed traffic impact fees as follows:

1. \$10,322.85 for the 10,560 square-foot Building 27; and,
2. \$23,625.25 for the 24,168 square foot Building 28.

“The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules.”⁴ (See condition of approval B-5)

SEPA DETERMINATION and DECISION

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on August 2, 2004, is hereby final.

Based upon the proposed plans (identified as Exhibit 5), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

⁴ Please refer all disputes regarding impact fees to Richard Gamble at (360) 397-2375, ext. 4384.

Conditions of Approval

A. Conditions that must be met prior to Final Site Plan approval; or if improvements are approved by the county for bonding or other secured method, such conditions shall be met prior to issuance of Occupancy Permits per CCC 40.350.030(C)(4)(i) & (j).

Land Use:

A-1 The proposed development shall comply with all the development standards including building setback, lot coverage and building height requirements in the ML district per Table 40.230.080-2 (see Land Use Finding 1).

Transportation:

A-2 The applicant shall provide evidence from WSDOT that plans for the median improvements within NE 117th Avenue / SR 503 are approved for construction in accordance with WSDOT standards. (See Transportation Finding 2)

A-3 Landscaping along the frontage of NE 117th Avenue/SR 503 shall comply with WSDOT standards. (See Transportation Finding 5)

A-4 All sidewalks, pedestrian walkways, driveway aprons, and road intersections shall comply with the American with Disabilities Act (See Transportation Finding # 6).

Stormwater and Erosion Control:

A-5 The stormwater structure facility shall be constructed in accordance with CCC 40.380.040 (H) (3) (b). (See Stormwater Finding 2)

A-6 The applicant shall provide evidence that shows the design infiltration rates can be achieved. The infiltration investigation report shall be prepared through both approved field and laboratory testing. In order to ensure that the proposed stormwater infiltration system will function as designed, the infiltration rates used in the final stormwater analysis shall be verified prior to construction in locations where infiltration facilities are to be located. (See Stormwater Finding 5)

Fire Protection:

Fire Flow

A-7 Fire flow in the amount of 2,750 gallons per minute supplied for 2 hours duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is not available at the site. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final site plan approval (see Fire Protection Finding 3).

Fire Apparatus Access

A-8 Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of

the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. (See Fire Protection Finding 5)

B. Conditions that must be met prior to issuance of Building Permits

Transportation Concurrency:

B-1 Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system. (See Transportation Concurrency Finding 7)

Fire Protection

Building Construction

B-2 Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (Fire Protection Finding 2).

Fire Alarm System

B-3 An approved fire alarm system is required at the time of construction for buildings subject to this application. Such systems require separate reviews, permits and approvals issued by the Fire Marshal's Office. (See Fire Protection Finding 7)

Other Requirements

B-4 Fire department connections (FDC) shall be located remote from the building a distance equal to the height of the building at the FDC. (See Fire Protection Finding 8)

Impact Fees:

B-5 *The following note shall be placed on the final plat stating that:*

"In accordance with CCC 40.610, Orchards Traffic impact fees for the industrial buildings shall be assessed traffic impact fees as follows:

3. \$10,322.85 for the 10,560 square-foot Building 27; and,
4. \$23,625.25 for the 24,168 square foot Building 28.

"The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules.⁵" (See Impact Fees Finding 1)

⁵ Please refer all disputes regarding impact fees to Richard Gamble at (360) 397-2375, ext. 4384.

C. Conditions that must be met prior to issuance of Occupancy Permits

Land Use – Landscaping:

- C-1 Advisory only:** The applicant shall revise the proposed landscape plan to show:
- On the north, the required landscaping scheme is an L1 in a 5-foot buffer width.
 - On the east, the required landscaping scheme is an L1 in a 5-foot buffer width.
 - On the south, the required landscaping scheme is an L1 in a 5-foot buffer width.
 - On the west, the required landscaping scheme is an L2 in a 10 foot buffer width. (See Land Use Finding 2)

Outdoors Lighting:

- C-2** Outdoors lighting shall be shielded downwards to reduce the level of light and glare perceived beyond the property line, especially along the frontage of NE 117th Avenue (SR 503). (Land Use Finding 10)

Transportation Concurrency:

- C-3** The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,500. The reimbursement shall be made within 60 days of issuance of the Staff Report with evidence of payment presented to staff at Clark County Public Works. (See Transportation Concurrency Finding 2)

Fire Protection

Fire Hydrants

- C-4** Fire hydrants are required for this application. The indicated number and the spacing of the fire hydrants are inadequate. The applicant shall provide one additional fire hydrant to serve this development.

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Vancouver Department at 360-576-1195 to arrange for location approval. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant (see Fire Protection Finding 4).

Fire Sprinkler System

- C-5** An automatic fire sprinkler is required at the time of construction for buildings subject to this application and in excess of 12,000 sq. ft. Such systems require separate reviews, permits and approvals issued by the fire marshal's office. Buildings provided with automatic fire sprinkler systems shall be provided with a minimum of two fire hydrants. One fire hydrant shall be within 100 feet of approved fire department connections to the sprinkler systems. (See Fire Protection Finding 6)

D. Notes Required on Final Site Plan

The following notes shall be placed on the final plat:

D-1 Land Use – Zoning:

"The applicant shall show the location of a fenced solid waste disposal facility, consistent with CCC 40.360. If the applicant proposes indoor storage of wastes, then a note shall be placed on the final site plan, prohibiting the outdoor storage of waste materials. (See Land Use Finding 6)

D-2 Fire Protection:

"Proposed driveways shall be right-in/right-out, in accordance with WSDOT requirements," (See Transportation Finding #3).

D-3 Fire Protection:

"All sidewalks, pedestrian walkways, driveway aprons, and road intersections shall comply with the American with Disabilities Act," (See Transportation Finding # 6).

D-4 Archaeological:

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

D-5 Mobile Homes:

"Placement of Mobile Homes is prohibited."

D-6 Impact Fees:

"In accordance with CCC 40.610, Orchards Traffic impact fees for the industrial buildings shall be assessed traffic impact fees as follows:

5. \$10,322.85 for the 10,560 square-foot Building 27; and,
6. \$23,625.25 for the 24,168 square foot Building 28.

"The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules.⁶" (See Impact Fees Finding 1)

D-7 Sidewalks:

"Prior to issuance of occupancy permits, sidewalks shall be constructed along the frontage of NE 117th Avenue (SR 503) in accordance with WSDOT standards."

⁶ Please refer all disputes regarding impact fees to Richard Gamble at (360) 397-2375, ext. 4384.

D-8 Utilities:

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

E. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

Site Plans and other land use approvals:

E-1 Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.

E-2 Prior to issuance of an approved occupancy for site plan, the applicant shall submit a copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

Final Construction / Site Plan Review:

E-3 Prior to construction, the applicant shall submit and obtain county approval of a final stormwater plan designed in conformance to CCC 40.380 (or as otherwise applicable per the vesting date).

Water Wells and Septic Systems:

E-4 Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted to the county, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted. (e.g., at Final Construction Plan Review, Final Plat Review, or prior to occupancy).

E-5 Pre-Construction Conference:

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

E-6 Erosion Control:

Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.350.

E-7 Erosion Control:

A copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final site plan approval.

E-8 Erosion Control:

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

E-9 Erosion Control:

Erosion control facilities shall **not** be removed without County approval.

E-10 Excavation and Grading:

Excavation and/or grading associated with this project shall comply with CCC 14.040.020, the Clark County Building Code. The code and this review adopt by reference Appendix Chapter J of the 2003 International Building Code. Provisions of Appendix Chapter J apply to all grading activities except those exempted in Section J103.2, as amended by CCC 14.05.9000.J103.2.

E-11 Excavation and Grading:

Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

E-12 Transportation:

Prior to construction, the applicant shall submit and obtain WSDOT approval of a final transportation design.

<p>Note: The Development Services Manager reserves the right to provide additional comments and findings of fact regarding this decision, it appealed.</p>

An **appeal** of any aspect of this decision, including the SEPA determination and any required mitigation measures, may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on November 2, 2004. Therefore any appeal must be received in this office by 4:30 PM, on November 16, 2004.

<p>APPEAL FILING DEADLINE</p>

<p>Date: <u>November 16, 2004</u></p>
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Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;

2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$1,009** (made payable to the Department of Community Development).

The appeal request and fee shall be submitted to the Department of Community Development, Customer Service Center, between 8:00 AM and 4:30 PM Monday through Friday, at the address listed below.

Attachments:

- Vicinity Map
- Comprehensive Plan and Zoning Maps
- Copy of Proposed Preliminary Site and Landscaping Plans

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>